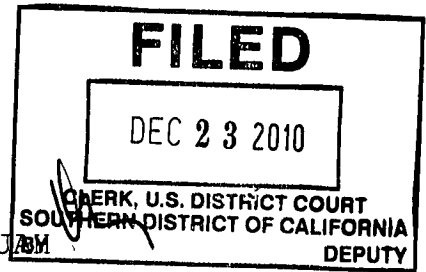


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MICHAEL MCELMURRY,

Defendant.

CASE NO. 10CR4606-JAH

JUDGMENT OF DISMISSAL
(Rule 48, F.R.Crim.P.)

IT APPEARING that the defendant is now entitled to be discharged for the reason that:

- ☒ an indictment has been filed in another case against the defendant and the Court has granted the motion of the Government for dismissal of this case, without prejudice;
- ☐ the Court has dismissed the case for unnecessary delay; or
- ☐ the Court has granted the motion of the Government for dismissal without prejudice; or
- ☐ the Court has granted the motion of the defendant for a judgment of acquittal; or
- ☐ a jury has been waived, and the Court has found the defendant not guilty; or
- ☐ the jury has returned its verdict, finding the defendant not guilty;
- ☒ of the offense(s) of: as charged in the Information.

IT IS THEREFORE ADJUDGED that the defendant is hereby discharged pursuant to Rule 48, Federal Rules of Criminal Procedure.

DATED: DECEMBER 23, 2010

RUBEN B. BROOKS
UNITED STATES MAGISTRATE JUDGE

ENTERED ON _____